



Camille V. Otero
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VIA ECF

Hon. James B. Clark, U.S.M.J.
United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: DVL, Inc. and DVL Kearny Holdings, LLC v. Congoleum Corporation and
Bath Iron Works Corporation; U.S. District Court, District of New Jersey,
Civil Action No. 2:17-cv-04261**

Dear Judge Clark:

This firm represents defendant Congoleum Corporation (“Congoleum”) in the above-referenced matter. A settlement conference is presently scheduled for Wednesday September 16, 2020 at 2:00 p.m., and the Court has directed the parties to submit position papers *in camera* on Monday, September 14, 2020. As set forth in Plaintiffs’ letter to Your Honor dated August 26th (ECF 187), Congoleum previously advised all parties that its insurer, Liberty Mutual, may not be prepared to substantively participate in settlement discussions on September 16th. As the conference is now less than a week away, we have conferred with Liberty Mutual and it now confirms that it is not in a position to engage in substantive settlement discussions on September 16th, and that it requires additional time for evaluation of the claims and defenses. Congoleum and Liberty Mutual are available on September 28th and/or 29th, and we request that the settlement conference be adjourned to one of those date, and that position papers be submitted *in camera* on September 23rd. As I believe all parties would agree, there is little point in holding the conference on September 16, 2020, if Liberty Mutual is unable to substantively participate in settlement discussions.

If Your Honor has any questions, we would be happy to organize a conference call to discuss the scheduling of this conference. Thank you for your continuing attention to this matter.

Respectfully submitted,

s/ Camille V. Otero
Camille V. Otero
Director

cc: Counsel of Record (via ECF)